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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Progressive Specialty Insurance Company

CASE NO.: 1:24-cv-1864

Plaintiff

vs.

COMPLAINT

United States of America

Defendant

Now comes the Plaintiff, Progressive Specialty Insurance Company (hereinafter “Progressive Specialty”), as subrogee of Sean Rogers, and for its Complaint against Defendant United States of America (hereinafter “USA”) states as follows:

PARTIES AND JURISDICTION

1. At all times relevant herein, Plaintiff Progressive Specialty is a corporation which is domiciled in the State of Ohio with its main place of business in Mayfield, Ohio and for citizenry purposes is a citizen of the State of Ohio.
2. The United States Postal Service (USPS) is an agency of Defendant United States of America, and maintains a local Post Office at 150 Center Street in Chardon, Ohio.
3. Defendant USA employed Lauren Sankovich through the USPS. At all times material herein, Lauren Sankovich was acting in the course and scope of her employment with the USPS.

4. Plaintiff's claims arise out of a motor vehicle collision that occurred on or about January 18, 2024 between a vehicle operated by Defendant USA's employee Lauren Sankovich, and a vehicle operated by Plaintiff insured Sean Rogers.
5. Subject matter jurisdiction over this matter against the United States for money damages is proper in this Court pursuant to 28 U.S.C. §1346(b)(1) and 28 U.S.C. §2675.
6. Venue is proper in this Court pursuant to 28 U.S.C. §1402(b) and § 1391(e)(1) because the alleged act or omission giving rise to the claims occurred in the Township of Claridon, Geauga County, Ohio.
7. Plaintiff has met all prerequisite procedural requirements of the Federal Tort Claims Act as it has presented its claims for negligence via Form SF-95 to the United States Postal Service on April 22, 2024, and Defendant has denied said claim. (Exhibits 1 and 2.)

COUNT ONE

8. Plaintiff realleges and reavers each and every preceding paragraph set forth at paragraphs 1 through 7 above, as if fully rewritten herein.
9. On January 18, 2024, at approximately 1:54 p.m., Defendant USA's employee Lauren Sankovich parked a USPS mail truck facing southbound on Aquilla Road in the Township of Claridon, Ohio within the course and scope of her employment with the USPS and Defendant USA, and with unequivocal permission.
10. At the same time, Plaintiff insured Sean Rogers was operating a 2021 Dodge Ram Aquilla southbound on Aquilla Road in the Township of Claridon, Ohio.

11. On January 18, 2024 at approximately 1:54 p.m., Plaintiff insured Sean Rogers attempted to pass Defendant USA's employee Lauren Sankovich on Aquilla Road and as Plaintiff insured was passing, Defendant USA's employee, suddenly, and without warning, operated the mail truck by making a left turn on to Tewksbury Lane and struck Plaintiff's insured.
12. As a direct and proximate result of the collision caused by Lauren Sankovich's negligence, Plaintiff insured's motor vehicle was damaged in the amount of \$21,162.22.
13. Progressive Specialty paid to, or on behalf of Sean Rogers, \$21,162.22, subject to a \$250.00 deductible, and became subrogated to any and all payments made to or on behalf of Sean Rogers

COUNT TWO

14. Plaintiffs reallege and reaver each and every preceding paragraph set forth at paragraphs 1 through 13 above, as if fully rewritten herein.
15. As a motorist, Defendant's employee Lauren Sankovich owed a duty of care to the public to obey all traffic laws.
16. On January 18, 2024, Defendant's employee Lauren Sankovich had a statutory duty to operate the mail truck in a lawful manner.
17. Defendant's employee and/or agent Lauren Sankovich's violation of the foregoing safety statute constitutes negligence per se.
18. As a direct and proximate result of Defendant's employee Lauren Sankovich's negligence per se, Plaintiff suffered damages and losses as aforesaid for which Defendant is liable.

WHEREFORE, Plaintiff demands judgment against Defendant USA in the amount of \$21,162.22 plus statutory interest, plus court costs.

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